IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.814 OF 1990

M/s.C.A.Galiakotwala & Co.Ltd.& Anr. .. Petitioners
V/s
M.T.N.L. & Anr. .. Respondents

Mr.V.T.Bhagat for the Petitioners.
Mr.P.N.Sutar i/by Mr.S.I.Shah for the Respondents.

CORAM : DR.S.RADHAKRISHNAN &
SMT.V.K.TAHILRAMANI, JJ.

DATE : 16th November, 2006.

P.C.:

1. Heard the learned Counsel for the parties. By this petition, the Petitioners are challenging the excess billing of Respondents-M.T.N.L. Having regard to the provisions of Section 7B of the Indian Telegraph Act, 1885, it is the obligation of the Central Government to appoint an Arbitrator to resolve the dispute with regard to the excess billing.

2. In that aspect of the matter, we direct the Union of India to appoint an Arbitrator within a period of eight weeks from today.

3. Thereupon, the learned Arbitrator shall afford an opportunity of personal hearing to the Petitioners and allow them to tender the necessary documents and record, and thereafter decide the said dispute as expeditiously as possible, preferrably within a period of four months from the date of his appointment as an Arbitrator.

4. The learned Arbitrator while deciding the said dispute shall take into account the substantial payment which has already been made by the Petitioner.

5. Rule is accordingly made absolute.

6. Issuance of certified copy is expedited.

7. The learned Counsel for the Respondents to communicate this order to the Central Government forthwith.

(SMT.V.K.TAHILRAMANI, J) **(DR.S.RADHAKRISHNAN,J.)**